

Chapter 17.45: Wireless Telecommunications Facilities

§17.45.010. Purpose

The purpose of this chapter is to protect Logan's aesthetic resources and community character by establishing development regulations for wireless telecommunication facilities (hereafter "facilities") to assure their compatibility with adjoining uses. The location and design of telecommunications facilities have the potential to have long-term negative effects on surrounding properties and neighborhoods.

The intent of the following regulations is to reduce those effects by locating wireless telecommunications facilities where they are least visible from public streets and public areas and to the best extent possible, provide screening from adjacent property owners. Antennas mounted on existing structures are preferred over new monopoles because they are more easily hidden or are generally less conspicuous when not completely hidden.

§17.45.020. Applicability

This chapter applies to both commercial and private wireless telecommunication facilities, such as, but not limited to, "cellular" or PCS (personal communications system) communications and paging facilities or others as defined in §17.62. "A". This chapter does not apply to public safety, amateur radio, satellite, or cable television communications facilities, although they may be regulated by other city ordinances and policies.

§17.45.030. Permits Required

- A. A design review permit is required for all new or expanding wireless telecommunications facilities. The design review permit shall be issued in accordance with the City's standard design review permit approval process described in Chapter 17.50. The City shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services.
- B. A design review permit may not be required if the Director of Community Development finds that the proposed changes will not result in a significant character change in the appearance of a structure from what currently exists.

§17.45.040. Applications

In addition to the standard items to be included with the design review application, the applicant shall also submit a visual analysis, to include photo simulations, field mock up, computer enhanced graphics or other techniques, which identify the negative visual effects of the proposed facility on surrounding properties. The analysis shall include the following as required by the Department of Community Development:

- A. Show views of the facility from public areas (streets, parks, etc.); and
- B. Show views from private residences; and
- C. Show the appearance of the facility from at least three locations within a three-block radius. One view shall be from a point on the nearest public right-of-way from which the facility is most visible. Other views shall be from locations where the facility would be most visible.

The Design Review Committee or the Department of Community Development may ask for additional simulations if it feels that they are necessary to better understand the proposed facility's effect on the surrounding neighborhood. All costs associated with this requirement are to be borne by the applicant.

§17.45.050. Design Requirements

In order to approve a design review permit, the Design Review Committee shall find that the proposed facility employs stealth design. In making the decision, the Design Review Committee shall consider the criteria below and any special circumstances that may apply to the proposed site. Because of differing circumstances specific to each site, a facility that is considered to be stealth in one location may not be considered to be stealth in a different location.

- A. "Stealth design" is required for all facilities regulated by this chapter. To the extent reasonably feasible, the applicant shall employ stealth design so as to mitigate and/or camouflage negative visual effects. Stealth design ensures that facilities will be compatible with the natural or built setting and that the facilities will be concealed or camouflaged. Methods of stealth designs include:
1. Blending the facility with the architecture of the existing structure upon which the facility will be mounted;
 2. Blending the facility with and/or take advantage of existing vegetation and/or site features;
 3. Using color schemes that make the facility less noticeable;
 4. Using church steeples, clock towers, bell towers, false penthouses or other similar "mimic" structures to conceal antennas and associated structures and equipment. Such "mimic" structures shall have a contextual relationship to the adjacent area.

§17.45.060. Location on Existing Towers and Poles

Location on existing towers is both permitted and encouraged in order to discourage the proliferation of wireless telecommunications facilities.

- A. Location on Existing Towers and Poles
1. The width of antennas and antenna mounting structures placed on the top of an existing tower or pole shall not exceed the width of the pole at its highest point.
 2. Antennas and their supporting structure mounted to the sides of an existing tower or pole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one foot beyond the tower or pole.
 3. The height of the antenna and its supporting structures may not exceed five feet above the height of the tower or pole.
 4. In addition to the above standards, facilities shall comply with §17.45.050.
- B. Co-location on Existing Monopoles
1. The maximum height of a monopole with antennas and antenna support structures may be increased for co-location of a second antenna on an existing monopole if the new height of the monopole and antenna will not exceed 20 feet above the maximum height for structures stated in §17.18.010 for the zone in which it is placed.
 2. Antennas and supporting structures mounted to the sides of a monopole shall be as slim in profile as possible. In no case shall the antennas and supporting structures extend more than one foot beyond the pole in any direction.
 3. In addition to the above standards, facilities shall comply with §17.45.050.

§17.45.070. Roof-Mounted Antennas

- A. Roof-mounted antennas, placed on a flat roof, may extend up to ten feet above the roof line of the existing structure or up to 10 feet above existing equipment structures or penthouses, provided that the antenna is set back from the edge(s) of the roof a minimum distance equal to or greater than double the height of the antenna from the roof line to the top of the antenna. The Design Review Committee may reduce the required setback if practical difficulties are demonstrated by the proponent and upon a

17.45: Wireless Telecommunications Facilities

finding by the Design Review Committee that a reduced setback would preserve the character of the neighborhood.

- B. Roof-mounted facilities, placed on a pitched roof, may extend a maximum of five feet above the roofline of the existing structure only upon a finding by the Design Review Committee that the proposed facility preserves the character of the neighborhood by meeting the highest standard of stealth design.
- C. In addition to the above standards, roof mounted facilities shall comply with §17.45.050.

§17.45.080. Wall Mounted Facilities

- A. Wall mounted facilities shall not extend above the roofline of the building.
- B. Wall mounted facilities shall not extend more than two feet horizontally from the face of the building.
- C. The total area for all wall-mounted facilities on any one façade of a building shall not exceed five percent of that façade's area.
- D. In addition to the above standards, wall mounted facilities shall comply with §17.45.050.

§17.45.090. Monopoles with Antennas

- A. Design
 - 1. The height of a monopole with antennas and antenna support structures shall be limited to ten feet above the maximum height for structures stated in §17.18.010, for the zone in which it is placed or 10 feet above the highest building within 300 feet of the monopole, whichever is higher.
 - 2. The height of a monopole shall be measured from the average finished grade of the site within a 50-foot radius.
 - 3. The width of antennas and antenna mounting structures placed on the top of a monopole shall not exceed the width of the monopole at its highest point.
 - 4. In addition to the above standards, monopoles shall comply with §17.45.050.
- B. Siting
 - 1. Monopoles are permitted only in the Industrial (IND) and Commercial General (CG) zones.
 - 2. Monopoles shall be set back from property lines adjacent to all public rights-of-way at least two feet for every foot of pole and antenna height. The Design Review Committee may reduce the required setback in the design review process if practical difficulties are demonstrated by the proponent and upon a finding by the Design Review Committee that a reduced setback would adequately preserve the character of the neighborhood.
 - 3. Monopoles shall be set back a minimum of two feet for every foot of pole height from the nearest property line of any property in an adjacent residential zone. The Design Review Committee may reduce the required setback from a residential zone in the design review process if practical difficulties are demonstrated by the proponent and upon a finding by the Design Review Committee that a reduced setback would adequately protect the character of the neighborhood.
 - 4. Any associated mechanical or electrical equipment shall be completely screened from view from public rights-of-way and adjacent properties, with a solid screen and landscaping.
 - 5. Antennas mounted to the sides of a monopole may only be allowed in the case of a co-location in accordance with §17.45.060.

§17.45.100. Historic District

Prior to considering a design review permit application for any facility within the Historic District, the application shall be reviewed by the Historic Preservation Committee for a Certificate of Appropriateness.

§17.45.110. Legally Existing Nonconformities

Legally existing nonconforming wireless telecommunications facilities, equipment, and antennas are governed by Chapter 17.59.

§17.45.120. Abandonment

- A. The applicant, or the applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused wireless telecommunications facilities within 90 days of abandonment of use. If such facility is not removed by the property owner, then the City may employ all legal measures to remove the facility.
- B. In the event of co-location on a monopole, if a secondary facility is abandoned the owner of the primary facility shall have 30 days, from the date the owner of the secondary facility files with the FCC the required "Notice to Abandon" its facility, to reduce the height of the monopole to its previous or originally approved height. The City shall receive a copy of the "Notice to Abandon" filed with the FCC.

§17.45.130. Prohibited Facilities

No telecommunication antennas or facilities other than those specifically allowed in this chapter shall be permitted within the City except as otherwise required by applicable state or federal law.